IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Crl.MC.No. 2727 of 1996()

CC.282/1996 AND C.C.NO.281/1996 of JUDL. MAGI. OF FIRST CLASS-I (FOREST OFFENCES), THODUPUZHA

PETITIONER:

SASINDRAN, S/O.KUNJAPPAN,
POTTANAIKAL,
POOYAMKUTTY P.O.,
VELLARAMKUTHU,
IDUKKI DISTRICT.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI.B.PRABHAT KUMAR
SRI.P.SREEKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. RANGE OFFICER, KUTTAMPUZHA RANGE,
MALAYATTOOR DIVISION,
IDUKKI DISTRICT.

3. JUDICIAL IST CLASS MAGISTRATE-1,
THODUPUZHA,
IDUKKI DISTRICT.

BY PUBLIC PROSECUTOR, SRI P.P.PRAKASH

. THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.M.C.No.2727 of 1996

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Dated this the 25th day of June, 2007

O R D E R

The petitioner is the sole accused in C.C.No.288/1996 and the first accused in C.C.No.295/1996, both with respect to offence under Section 27(1)(b) and 27(1)(e)(iv) of the Kerala Forest Act. The contention of the petitioner is that the area in which the alleged destruction of the forest produce is committed, falls within the Vellaramkuthu tribal settlement, which, according to the petitioner, is part of revenue puramboke as per the resurvey records and the forest authorities are not empowered to register cases under the Forest Act.

2. In the circumstances, the court below is directed to decide the matter as a preliminary point and only then proceed with the trial. Till that point is decided, the petitioner/accused would be exempted from appearing before the court. The petitioner is directed to appear through counsel and file necessary

application, with notice to the Assistant Public Prosecutor within one month from today.

Crl.M.C is disposed of, as above.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.M.C.No.2727 of 1996

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O R D E R

25th June, 2007